THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 13480 of 1998

DATE: 14-02-2007

Between :

S.Vijaya Ram Reddy

… Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Hyderabad and 5 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 13480 of 1998

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in interfering with the possession of the petitioner's house bearing No.16-11-511/D/168 situated in Sy.No.35 and 36 situated at Moosarambagh, Hyderabad, is arbitrary and illegal.

Though the petitioner claimed that he is the absolute owner of the property in question, in the counter affidavits filed by the respondents it is pleaded that the property in question forms part of surplus land as determined pursuant to the declaration made by one B.Lakshma Reddy and S.Krishna Reddy and the said surplus land has been allotted for construction of a Government Primary School.

Pending this writ petition, by order, dated 13-05-1998, this Court granted interim stay of demolition of the premises in question.

The rival claims made by the parties cannot be enquired into by this Court in a writ proceeding and no finding as such can be recorded as to the title claimed by the petitioner. However, since admittedly no opportunity was given to the petitioner to putforth his version before taking recourse to the impugned demolition, I sdeem it appropriate to dispose of the writ petition with a direction to the respondents to issue a notice to the petitioner and to take appropriate steps after considering the explanation of the petitioner, if any. No costs.

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G. ROHINI, J.

Dt. 14-02-2007

KLP